

## MINUTES

CASE NUMBER: CIVIL NO. 04-00743DAE-LEK

CASE NAME: Taryn Christian vs. Clayton A. Frank, etc.

ATTYS FOR PLA:

ATTYS FOR DEFT:

INTERPRETER:

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JUDGE: Leslie E. Kobayashi

REPORTER:

DATE: 05/02/2008

TIME:

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COURT ACTION: EO: COURT ORDER RE PETITIONER'S REQUEST TO COMPEL PRODUCTION OF ADDITIONAL SWABS IN THE POSSESSION OF THE MAUI POLICE DEPARTMENT

Petitioner Taryn Christian ("Petitioner") filed a Motion to Continue Discovery Dates and to Compel Discovery on February 28, 2008. In the motion, Petitioner sought, *inter alia*, an order compelling Respondents to produce swabs connected with this case which are currently in the possession of the Maui Police Department ("MPD"). On April 4, 2008, this Court issued its Order Granting in Part and Denying in Part Petitioner's Motion to Continue Discovery Dates and to Compel Discovery and Setting Schedule for Evidentiary Hearing. The Court stated that it would reserve ruling on Petitioner's request to compel the production of additional swabs until the parties submitted further information.

On April 9, 2008, Respondents filed the Declaration of Margo E.R. Evans and on April 17, 2008, Petitioner filed the Declaration of Mark Barrett. Based on the parties' submissions, this Court FINDS that there are currently no additional swabs connected with this case in MPD's possession. Petitioner's request to compel the production of additional swabs is therefore DENIED.

IT IS SO ORDERED.

Submitted by: Warren N. Nakamura, Courtroom Manager